

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 JUN -6 P 1:49

DEPUTY CLERK SKA

ARTHUR CARSON, PLAINTIFF

VS.

SOFIA HERNANDEZ, AND VOA/PRARIE
CREEK VILLAGE APT., DEFENDANTS.

3 - 17 CV 1493 - L

COMPLAINT FOR DECLARATORY / INJUNCTIVE RELIEF

WITH JURY DEMAND

PRELIMINARY STATEMENT:

Comes now the Plaintiff, Arthur Carson, and brings this His Complaint, pursuant to Title VII, 42 U.S.C. 3601 of the Civil Rights and Fair Housing Act, 42 U.S.C. 1985 "Conspiracy" Statute; the Fair Credit Reporting Act, 15 U.S.C. 1681; also invoke Sec. 92.3515, Texas Property-Code.

PARTIES:

- 1)). Plaintiff, Arthur Carson, 6200 Colonel Glenn Rd. #219, Little Rock, AR 72204;
- 2). Defendant, Sofia Hernandez, Manager-Prarie Creek Village Apartment, 9215 Bruton Rd-Dallas, TX 75217;
- 2). Defendants, VOA/Prarie Creek Village, 300 E. Midway Street, Euless, TX 76039.

(1)

STATEMENT OF CLAIMS:

1).On or about May 28,2016, Plaintiff, hereinafter "Carson", then a 62 Year old African-American-Senior, applied for Housing at the Prarie Creek Village Apartments. On June 1, 2016, through a Phone follow-up by Carson, Sofia Hernandez, informed Carson that because of His past Criminal History, the application was denied. No further information were given to Carson , several days later An adverse letter was sent to Carson informing Him "Criminal History, and Credit History" were the Reasons for denial.

2). Sofia Hernandez at no time allowed Carson to present mitigating factors to the findings, such as Carson's previous five year Rental History at His prior address, timely payments, No disturbances, And the length of time since Carson's Felony Convictions. The Defendants used a forty year old Conviction for Burglary, and twenty eight Year old Attempted Murder Conviction, along with Inaccurate Homicide Conviction from someone with a similar Name as Carson.

3). The Defendants ban on Carson for His old convictions amounts to a ban against African-Americans And has an adverse Discriminatory effect. In that Carson, an African American is part of a Disproportionate number of those Convicted and Imprisoned and Convicted in Texas.

In 2014, African-American comprised approximately 36 percent of the total population, yet Incarcerated at a rate nearly three times their proportion of the General Population.

The Defendants Practice and Policy that deny Housing to those Released from Prison is critical for Any successful reentry to Society, and such Policy is Equally Disparate and Discriminates against African-Americans.

(2)

This in conjunction with the Racial aspect of those that are Convicted in Texas, in 2005, The Racial Conviction rate in Texas per 100,00 of the Population came to: "Whites 667; Blacks 3167; Hispanics 830". See (Uneven Justice, by Marc Mauer, and Ryan S. King, 2007, The Sentencing Project). African Americans have Historically garnered the most Felony Convictions in the United States, whether earned or not. The Defendants Policy Represents A Discriminatory Policy.

4). The adverse letter from VOA Prarie Creek Village used Credit History as its second pretext. The Defendants gave Carson No advance written notice specifying Credit as a Selection Criteria, In fact the only criteria was stated to be "Four Years at previous Residence ; 62 or Older; Disabled", In which Carson met this criteria. The arbitrary use of credit History was contrary to Texas Law, That mandates written advance selection criteria, 92.3515, Texas Property Code.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Pray that Declaratory and Injunctive Relief against Defendants Ban on Persons for Prior Felony Convictions; Damages of \$1,000,000 from Each Defendant; Cost of Court, and all else Relief This Court deem Equitable and Just.

I, Arthur Carson, states the foregoing statement of Claims are true and correct, pursuant to 28 U.S.C.- 1746.

Arthur Carson
Arthur Carson
6200 Colonel Glenn Rd 219
Little Rock, AR 72204

APPLICATION STATUS LETTER

To: Arthur Carson
1515 N Town East Blvd Suite 138-334
Mesquite, Texas 75150

From: Prairie Creek Village
9215 Bruton Rd.
Dallas, Texas 75217

Dear Applicant:

- We are in the process of updating our waiting list. If you are still interested in an apartment, contact our office within days. If we have not received your response by _____, then your application will be removed from the waiting and placed in an inactive file.
- While reviewing your rental application, it has come to our attention that you do not have acceptable credit history, rer history, and/or other documentation. Before we can continue to process your application, you must submit the followi
- Your application has been declined because of the following reason(s):
 - Criminal background check
 - Credit History
 - Sex offender registration check
 - Landlord Reference
 - Household Composition
 - Household income exceeds guidelines for household size
 - Household income does not meet the minimum requirement for unit size
 - Full-time Student Status
 - Other Credit History Unsatisfactory
 - Criminal History Unsatisfactory

The information below must be provided in accordance with the Fair Credit Reporting Act of 1986.

Credit Agency Name Equifax Incorporated

Address 6333 TX-161 #100 Irving, Texas 75038

Phone Number 972 756-8100

(The consumer reporting agency listed above did not make the decision to decline your rental application and will not be able to provide the specific reasons why your application was declined. You have the right to obtain a free copy of your credit report from the credit agency listed above if requested within 60 days from the date of this letter. You also have the right to dispute with the consumer reporting agency the accuracy or completeness of any information included in credit report.)

If you feel that the above reasons for denial are incorrect, please respond in writing, or contact us within fourteen (14) days for an informal hearing. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. You may also submit a written request for an appeal hearing to the Volunteers of America Texas, Housing Department, 300 East Midway, Euless, Texas 76039. You may also exercise other options available if you believe that you are being discriminated against on the basis of race, color, creed, religion, sex, national origin, age, handicap or familial status.

If, at some future date, your situation has changed so that you would be eligible, please contact us again.

If you believe there are mitigating circumstances that should be considered, or if you are a person with a handicap or disability, and believe a reasonable accommodation would allow us to continue processing your application, please advise us so we may schedule a meeting to discuss your request.

Thank you for your interest in our apartment community.

Sofia Hernandez

Community Administrator

05/31/2016

Date

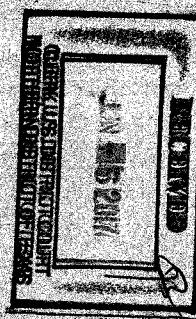


PRAIRIE CREEK VILLAGE APT (project name) does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs activities.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

BETTY MORRIS (Name)

J. C. ALEXON
900 Colonel Glenn Rd. #219
Little Rock, AR 72204



UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
NORTHERN DISTRICT OF TEXAS
1100 Commerce St.
Dallas, TX 75242